

Serial No.: 10/735,208

PATENT APPLICATION
Docket No.: 84693US1

REMARKS

Claims 1, 2, 5, 6, 9, and 13-32 are pending in the application. Claims 2, 5, 9, 13, and 13 are withdrawn pursuant to an election of species requirement. No claims are presently allowed.

Claim 1 is amended to change the minimum concentration from 40% to 45%. Support for this amendment is found in 0043.

Claim 24 has been amended to recite that the monomer is polymerized instead of being capable of polymerization.

No new matter has been added.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 6, 14-30, and 32 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner stated that 2-butanol in [0012] does not meet the claim of solvents with a boiling point in excess of 120°C.

The only claim presently under examination that recites a boiling point in excess of 120°C is claim 14. The rejection is inapplicable to claims 1, 6, 15-30, and 32.

In [0022], 2-butanol is only stated to be a high-boiling solvent. The specification nowhere equates high-boiling to be a boiling point in excess of 120°C and nowhere states that 2-butanol has a boiling point in excess of 120°C. This claim limitation is described in [0009], which meets the written description requirement.

Claim 24 has been rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated that it was not clear whether the monomer actually polymerizes or is capable of polymerizing. The claim has been amended to recite that the monomer polymerizes.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 6, 14-16, 19-20, 22-25, 27, 28, 30, and 32 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Martin et al. (US 6,867,281).

The reference is a US patent that does not claim the presently claimed invention. The reference can be disqualified by a declaration under 37 C.F.R. § 1.131. The attached declaration

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is signed by the inventors of the subject matter of claim 1. The declaration incorporates notebook pages showing completion of films made from a 45% solution on 03/11/2003 and 03/17/2003, which is before the filing date of 03/26/2003 of the reference. This shows that the inventors had possession of the invention before the filing date of the reference. Also shown is the completion of a film made from a 60% solution on 04/03/2003, which is only 8 days after the filing date of the reference and 17 days after the previous example. Though this example is not needed to show possession of the invention, it may nevertheless be presumed that diligence was exercised from the filing date of the reference until the 60% example was made, given the short period of time involved.

The reference may not be applied against claim 1. Claims 6, 14-16, 19-20, 22-25, 27, 28, 30, and 32 depend from and contain all the limitations of claim 1, and so the reference may also not be applied against these dependent claims.

Claim Rejection – 35 U.S.C. § 103

Claims 17, 18, and 21 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Martin.

Claims 17, 18, and 21 depend from and contain all the limitations of claim 1. As explained above the reference is not applicable against claims dependent on claim 1.

Claims 26 and 29 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Martin in view of Angelopoulos (US 6,153,725).

Claims 26 and 29 depend from and contain all the limitations of claim 1. As explained above the reference is not applicable against claims dependent on claim 1.

In view of the foregoing, it is submitted that the application is now in condition for allowance.

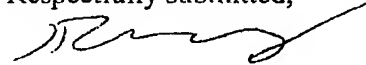
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Respectfully submitted,



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